



City of New Orleans
Mayor LaToya Cantrell

MEETING INFORMATION

LOCATION*

Livestream at:

http://cityofno.granicus.com/viewPublisher.php?view_id=2

or

https://www.youtube.com/channel/UCoE99Rj_b4gJiO3KnZictjg/featured

*Interested parties without computer and/or internet access should contact staff at least one (1) week prior to the meeting to make arrangements.

TIME

10:00 a.m.

BOARD MEMBERS

Candice M. Forest – Chair
Todd C. James – Vice Chair
Tamara Agins
José Alvarez
Jaime Ramiro Diaz
Alfonso Gonzalez II
Matthew Rufo

The general public cannot speak with the members personally.

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Board of Zoning Adjustments

Draft Agenda

March 15, 2021

The Board of Zoning Adjustments hereby certifies that it will convene a meeting on March 15, 2021 electronically via Zoom in accordance with the provisions of La. R.S. 42:17.1(A)(2)(a)-(c).

The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 4 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **March 25, 2021**.

GENERAL RULES OF ORDER

Robert's Rules of Order govern the conduct of the meeting. In light of the virtual meeting format, any member of the public may provide written comment via a digital speaker card, in lieu of spoken public comment, during the meeting not to exceed two (2) minutes on any matter before the Board. The digital speaker card will be available the morning of the meeting on the City's website:

<https://nola.gov/city-planning/announcements/>

APPEALS

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

PUBLIC COMMENT

Should you wish to view an application you may do so online at onestopapp.nola.gov. The requested waivers are subject to change prior to the hearing. Written comments on any of the matters included on the agenda are accepted in the following ways:

- Email (**preferred**): CPCinfo@nola.gov or the planner listed on the agenda
- Mail: 1300 Perdido Street, Room 7W03, New Orleans, Louisiana 70112

All written correspondence should include the docket number and be made to the attention of the assigned planner or the staff of the Board of Zoning Adjustments. The deadline for receipt of public comment for transmittal to the Board in advance of the meeting is **no later than 5:00 p.m. on Monday, March 8, 2021**.

A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules

Special Public Hearing Rules for Board of Zoning Adjustments Hearings held via Video Conference

A. Order of Business. The order of business at the hearing shall be as follows:

- a. Call to order and roll call, with recording of members present.
- b. Approval of Minutes
- c. Reading and Adoption of the Hearing Rules
- d. Presentation of Dockets.
 - i. Staff Presentation
 - ii. Applicant Presentation
 - iii. Questions from Members
- e. Recess for 30 minutes
- f. Consideration of Dockets
 - i. Public Comment
 - ii. Rebuttal by Applicant
 - iii. Questions from Members
 - iv. Voting
- g. Adjournment

B. Presentation of Dockets. The order of business for each docket shall be as follows:

- a. **Presentation by the City Planning Commission staff or the Department of Safety and Permits staff;**
- b. **Presentation by the Applicant or their representative;** The appellant or applicant may appear on their behalf or be represented by a duly authorized agent. Only one representative may speak on behalf of a request and must pre-register with the staff of the City Planning Commission. Other representatives or speakers may sign up to provide comments during the public comment portion of the meeting. The applicant shall be allowed a maximum of five (5) minutes.
- c. **Questions from Members.** The members have an opportunity to ask questions of the staff or applicant.

C. Recess. The Board shall take a 30-minute recess to allow members of the public to submit comments.

D. Public Comment.

- a. **Rules.** Only written public comment will be allowed. Live public comment will not be allowed. No member of the public may submit more than one written comment per agenda item.
- b. **Time allowed for public comment.** The public comment form will be made available at the start of the meeting and will close at the end of the 30-minute recess.
- c. **Form.** Public comments must be submitted electronically on the form provided by the City Planning Commission. Any comment missing this information will not be read aloud. Each submission must contain:
 - i. The commenter's first and last name,
 - ii. The commenter's address,
 - iii. Whether the commenter is being paid in connection with his or her comments,
 - iv. The agenda item
- d. **Reading of Public Comments.** A moderator will read into the record all comments pertaining to that item that have been submitted in accordance with these rules.

Comments will be read aloud in a normal speaking voice. The moderator will discontinue reading a comment once it exceeds two (2) minutes.

- E. **Rebuttal by Applicant.** Following the public comment period, if there is opposition the authorized representative of the application is allowed a rebuttal not to exceed five (5) minutes.
- F. **Questions from Members.** Following the public comment and rebuttal, the members have an opportunity to ask questions of the staff or applicant.
- G. **Voting.**
 - a. **Making a motion.** The member making a motion shall clearly state their name when making a motion. For example, "I, (insert name), move to approve/deny/ the request."
 - b. **Seconding a motion.** The member seconding a motion shall clearly state their name when seconding the motion. For example, "I, (insert name), second the motion made by (other member)."
 - c. **Statement by Chair.** The chair will restate the motion, confirming who made and seconded the motion.
 - d. **Voting.** The chair will request a verbal vote from each member by roll call. Each member will indicate "Yea" to vote in support of the motion, or "Nay" to vote in opposition.

A. Unfinished Business – Variances (Deferred from the January 11, 2021 meeting)**Item 1 – Docket Number: 004-21**

Applicant or Agent: Mission Properties Foundation, Adamick Architecture
Property Location: 1123 Baronne Street **Zip:** 70113
Bounding Streets: Baronne St., Cléo St., Oretha Castle Haley Blvd., Calliope St.
Zoning District: MU-2 High Intensity Mixed-Use District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Lot **Square Number:** 254
Proposed Use: Multi-Family Residence **Lot Number:** 3-A, 3-B
Project Planner: Joanna Farley (jbfarley@nola.gov) and Valerie Goines (valerie.goines@nola.gov)

Request: This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) and Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the construction of a multi-family residence with insufficient lot area per dwelling unit and insufficient off-street parking.

Requested Waivers:**Article 15, Section 15.3.A.1 (Table 15-2) – Minimum Lot Area**

Required: 800 sf/du Proposed: 204.37 sf/du Waiver: 595.63 sf/du

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle Parking Requirements

Required: 20 spaces Proposed: 0 spaces Waiver: 20 spaces

**Item 2 – BZA Docket Number: 010-21**

Applicant or Agent: Micah Collin Loewenthal, Jonathan Dolese
Property Location: 939 Orleans Avenue **Zip:** 70116
Bounding Streets: Orleans Ave., Burgundy St., St. Ann St., Dauphine St.
Zoning District: VCR-1 Vieux Carré Residential District
Historic District: Vieux Carré **Planning District:** 1b
Existing Use: Single-Family Residence **Square Number:** 87
Proposed Use: Single-Family Residence **Lot Number:** 8
Project Planner: Travis Martin (trlmartin@nola.gov)

Request: This request is for a variance from the provisions of Article 21, Section 21.6.EE.1 of the Comprehensive Zoning Ordinance to permit the construction of a swimming pool with insufficient setback from the interior side lot line.

Requested Waiver:**Article 21, Section 21.6.EE.1 – Swimming Pools (Distance from Lot Line)**

Required: 4 ft Proposed: 1 ft Waiver: 3 ft



B. Unfinished Business – Director of Safety and Permits Decision Appeals

Item 3 – BZA Docket Number 018-21

Applicant or Agent: John Saer, Kathleen Saer
Property Location: 1321 Calhoun Street **Zip:** 70118
Bounding Streets: Calhoun St., Pitt St., Henry Clay Ave., Prytania St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Subject of Appeal **Square Number:** 51
Proposed Use: Two-Family Residence **Lot Number:** 13, 14, Pt. 15

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the determination that the subject property has attained legal, non-conforming status for a second principal structure.



Item 4 – BZA Docket Number 019-21

Applicant or Agent: Karen Edmunds
Property Location: 1321 Calhoun Street **Zip:** 70118
Bounding Streets: Calhoun St., Pitt St., Henry Clay Ave., Prytania St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Subject of Appeal **Square Number:** 51
Proposed Use: Two-Family Residence **Lot Number:** 13, 14, Pt. 15

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the determination that the subject property has attained legal, non-conforming status for a second principal structure.



Item 5- BZA Docket Number 020-21

Applicant or Agent: Louis and Lois Kiefer
Property Location: 1321 Calhoun Street **Zip:** 70118
Bounding Streets: Calhoun St., Pitt St., Henry Clay Ave., Prytania St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Subject of Appeal **Square Number:** 51
Proposed Use: Two-Family Residence **Lot Number:** 13, 14, Pt. 15

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the determination that the subject property has attained legal, non-conforming status for a second principal structure.



Item 6 – BZA Docket Number 021-21

Applicant or Agent: Kristi Trail, Audubon Area Zoning Association
Property Location: 1321 Calhoun Street **Zip:** 70118
Bounding Streets: Calhoun St., Pitt St., Henry Clay Ave., Prytania St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Subject of Appeal **Square Number:** 51
Proposed Use: Two-Family Residence **Lot Number:** 13, 14, Pt. 15

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the determination that the subject property has attained legal, non-conforming status for a second principal structure.

**C. New Business – Variances****Item 7- Docket Number: 022-21**

Applicant or Agent: Housing Authority of New Orleans, Hattori Miwako
Property Location: 1010 Melpomene Street **Zip:** 70130
Bounding Streets: Melpomene St., Constance St., Terpsichore St., Magazine St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Lower Garden District **Planning District:** 2
Existing Use: Vacant Lot **Square Number:** 142
Proposed Use: Two-Family Residence **Lot Number:** 1D
Project Planner: Robin Jones (rcjones@nola.gov)

Request: This request is for a variance from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance to permit the construction of a two-family residence with insufficient lot area.

Requested Waiver:**Article 11, Section 11.3.A.1(Table 11-2A) – Minimum Lot Area**

Required: 3,600 ft² (1,800 ft²/du)

Provided: 3,600 ft² (1,468.35 ft²/du)

Waiver: 663.3 ft² (331.65 sf/du)



Item 8 – Docket Number: 023-21

Applicant or Agent: HD Real Estates LLC
Property Location: 3420 London Avenue **Zip:** 70122
Bounding Streets: London Ave., Pleasure St., Havana St., Lafreniere St.
Zoning District: S-RD Suburban Two-Family Residential District
Historic District: N/A **Planning District:** 6
Existing Use: Two-Family Residence **Square Number:** 2291
Proposed Use: Two-Family Residence **Lot Number:** 10
Project Planner: Sydney Shivers (sydney.shivers@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance to permit the construction of a two-family residence with insufficient lot area and insufficient lot width **(AFTER THE FACT)**.

Requested Waivers:**Article 13, Section 13.3.A.1 (Table 13-2) – Minimum Lot Area**

Required: 5,000 ft² (2,500 ft²/du)

Provided: 4,800 ft² (2,400 ft²/du)

Waiver: 200 ft² (100 ft²/du)

Article 13, Section 13.3.A.1 (Table 13-2) – Minimum Lot Width

Required: 50 ft

Provided: 40 ft

Waiver: 10 ft

**Item 9 – Docket Number: 024-21**

Applicant or Agent: Paulo S. Diniz
Property Location: 2631 Urquhart Street **Zip:** 70117
Bounding Streets: Urquhart St., Port St., North Villere St., Franklin Ave.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: N/A **Planning District:** 7
Existing Use: Vacant Lot **Square Number:** 519
Proposed Use: Single-Family Residence **Lot Number:** 8
Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This request is for a variance from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance, in conjunction with SD123-20, to permit the creation of a lot with insufficient lot width.

Requested Waiver:**Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Width**

Required: 30 ft

Provided: 25.75 ft

Waiver: 4.25 ft



Item 10 – BZA Docket Number: 025-21

Applicant or Agent:	Schwegmann Family Trust #2, Mike West	
Property Location:	6007 Bullard Avenue	Zip: 70128
Bounding Streets:	Bullard Ave., I-10, Jahncke Canal, Levy Dr.	
Zoning District:	C-3 Heavy Commercial District	
Historic District:	N/A	Planning District: 9
Existing Use:	Restaurant, Fast Food	Square Number: Lakrait Tract
Proposed Use:	Restaurant, Fast Food	Lot Number: 3B-4-4
Project Planner:	Aspen Nero (asnero@nola.gov)	

Request: This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2), Article 15, Section 15.3.A.2, and Article 18, Section 18.16.B.3 to permit a fast food restaurant with excessive front yard setback and parking as a dominant visual element.

Requested Waivers:**Article 15, Section 15.3.A.1 (Table 15-2) – Front Yard Setback**

Permitted: 20 ft	Proposed: 48.16 ft	Waiver: 28.16 ft
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Article 15, Section 15.3.A.2 – Front Yard Build-To Line

Permitted: 20 ft	Proposed: 48.16 ft	Waiver: 28.16 ft
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Article 18, Section 18.16.B.3 – Design Requirements

Required: Parking not dominant visual element

Provided: Parking dominant visual element

Waiver: Parking dominant visual element

**D. New Business – Director of Safety and Permits Decision Appeals****Item 11 – BZA Docket Number 026-21**

Applicant or Agent:	Steven R. Young, Caroline Young	
Property Location:	937 Henry Clay Avenue	Zip: 70118
Bounding Streets:	Henry Clay Ave., Chestnut St., Webster St., Camp St.	
Zoning District:	HU-RD2 Historic Urban Two-Family Residential District	
Historic District:	Uptown	Planning District: 3
Existing Use:	Single-Family Residence	Square Number: 34
Proposed Use:	Single-Family Residence	Lot Number: A

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the issuance of a stop work order associated with permit no. 20-38467-RDRV.



E. New Business – Extension Request (Restoration Permit)

Item 12 – BZA Docket Number 027-21

Applicant or Agent:	Coot LLC, Joel Ross	
Property Location:	2372 Constance Street, 935 First Street	Zip: 70130
Bounding Streets:	Constance St., Philip St., Laurel St., First St.	
Zoning District:	HU-RD2 Historic Urban Two-Family Residential District	
Historic District:	Irish Channel	Planning District: 2
Existing Use:	Mixed-Use	Square Number: 110
Proposed Use:	Mixed-Use	Lot Number: Y

Request: This request is for an extension for a restoration permit associated with the destruction of a structure containing a nonconforming use, pursuant to Article 25, Section 25.3.D (2) of the Comprehensive Zoning Ordinance, to allow a one-year extension.



F. New Business – Extension Request (Variance)

Item 13 – BZA Docket Number 013-19

Applicant or Agent:	Uptown 71, LLC, Webre Consulting	
Property Location:	7103 Freret Street	Zip: 70118
Bounding Streets:	Freret St., Audubon St., Broadway St., Zimple St.	
Zoning District:	HU-RM2 Historic Urban Multi-Family Residential District	
Historic District:	Uptown	Planning District: 3
Existing Use:	Vacant Lot	Square Number: 3
Proposed Use:	Multi-Family Residence	Lot Number: A

Request: This request is for an extension of time for a previously granted variance, pursuant to Article 4, Section 4.6.G.2 of the Comprehensive Zoning Ordinance, to allow a one-year extension.

G. Adjournment